

# Senate File 457 - Enrolled

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SENATE FILE 457

## AN ACT

RELATING TO THE RIGHTS OF PEACE OFFICERS AND PUBLIC SAFETY AND  
EMERGENCY PERSONNEL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 80F.1 PEACE OFFICER, PUBLIC  
SAFETY, AND EMERGENCY PERSONNEL BILL OF RIGHTS.

1. As used in this section, unless the context otherwise  
requires:

a. "Complaint" means a formal written allegation signed by  
the complainant or a written statement by an officer receiving  
an oral complaint stating the complainant's allegation.

b. "Formal administrative investigation" means an  
investigative process ordered by a commanding officer of an  
agency or commander's designee during which the questioning of  
an officer is intended to gather evidence to determine the  
merit of a complaint which may be the basis for seeking  
removal, discharge, or suspension, or other disciplinary  
action against the officer.

c. "Informal inquiry" means a meeting by supervisory or  
command personnel with an officer who is the subject of an  
allegation, for the purpose of resolving the allegation or  
determining whether a formal administrative investigation  
should be commenced.

d. "Interview" means the questioning of an officer who is  
the subject of a complaint pursuant to the formal  
administrative investigation procedures of the investigating  
agency, if such a complaint may be the basis for seeking  
removal, discharge, or suspension, or other disciplinary  
action against the officer. "Interview" does not include  
questioning as part of any informal inquiry or questioning  
related to minor infractions of agency rules which will not  
result in removal, discharge, suspension, or other  
disciplinary action against the officer.

e. "Officer" means a certified law enforcement officer,  
fire fighter, emergency medical technician, corrections  
officer, detention officer, jailer, probation or parole  
officer, communications officer, or any other law enforcement  
officer certified by the Iowa law enforcement academy and  
employed by a municipality, county, or state agency.

f. "Statement" means the statement of the officer who is  
the subject of an allegation in response to a complaint.

2. This section is not applicable to a criminal  
investigation of an officer or where other investigations  
pursuant to state or federal law require different  
investigatory procedures.

3. A formal administrative investigation of an officer  
shall be commenced and completed in a reasonable period of  
time and an officer shall be immediately notified of the  
results of the investigation when the investigation is  
completed.

4. An officer shall not be compelled to submit to a  
polygraph examination against the will of the officer except  
as otherwise provided in section 730.4, subsection 3.

5. An officer who is the subject of a complaint, shall at  
a minimum, be provided a written summary of the complaint  
prior to an interview. If a collective bargaining agreement  
applies, the complaint or written summary shall be provided  
pursuant to the procedures established under the collective  
bargaining agreement. If the complaint alleges domestic  
abuse, sexual abuse, or sexual harassment, an officer shall  
not receive more than a written summary of the complaint.

6. An officer being interviewed shall be advised by the  
interviewer that the officer shall answer the questions and be  
advised that the answers shall not be used against the officer  
in any subsequent criminal proceeding.

7. An interview of an officer who is the subject of the  
complaint shall, at a minimum, be audio recorded.

8. The officer shall have the right to have legal counsel  
present, at the officer's expense, during the interview of the

3 4 officer. In addition, the officer shall have the right, at  
3 5 the officer's expense, to have a union representative present  
3 6 during the interview or, if not a member of a union, the  
3 7 officer shall have the right to have a designee present.  
3 8 9. If a formal administrative investigation results in the  
3 9 removal, discharge, or suspension, or other disciplinary  
3 10 action against an officer, copies of any witness statements  
3 11 and the investigative agency's report shall be timely provided  
3 12 to the officer, upon the request of the officer.  
3 13 10. An interview shall be conducted at any facility of the  
3 14 investigating agency.  
3 15 11. If an interview is conducted while an officer is off  
3 16 duty, the officer shall be compensated as provided by law, or  
3 17 as provided in the applicable collective bargaining agreement.  
3 18 12. If a complaint is determined by the investigating  
3 19 officer to be a violation of section 718.6, the investigating  
3 20 officer shall be responsible for filing the necessary  
3 21 paperwork with the county attorney's office in order for the  
3 22 county attorney to make a determination as to whether to  
3 23 charge the person with a violation of section 718.6.  
3 24 13. An officer shall have the right to pursue civil  
3 25 remedies under the law against a citizen arising from the  
3 26 filing of a false complaint against the officer.  
3 27 14. Notwithstanding any other provision of state law to  
3 28 the contrary, an officer shall not be denied the opportunity  
3 29 to be a candidate for any elected office as long as the  
3 30 officer's candidacy does not violate the federal Hatch Act, 5  
3 31 U.S.C. } 1501 et seq. An officer may be required, as a  
3 32 condition of being a candidate, to take a leave of absence  
3 33 during the campaign. If the officer is subject to chapter  
3 34 341A and is a candidate for county sheriff, the candidate,  
3 35 upon the candidate's request, shall automatically be given a  
4 1 leave of absence without pay as provided in section 341A.18.  
4 2 15. An officer shall have the right, as any other citizen,  
4 3 to engage in political activity except while on duty as long  
4 4 as the officer's political activity does not violate the  
4 5 federal Hatch Act, 5 U.S.C. } 1501 et seq. An officer shall  
4 6 not be required to engage in political activity by the  
4 7 officer's agency, a representative of the officer's agency, or  
4 8 any other agency.  
4 9 16. An officer shall not be discharged, disciplined, or  
4 10 threatened with discharge or discipline in retaliation for  
4 11 exercising the rights of the officer enumerated in this  
4 12 section.  
4 13 17. The rights enumerated in this section are in addition  
4 14 to any other rights granted pursuant to a collective  
4 15 bargaining agreement or other applicable law.  
4 16 18. A municipality, county, or state agency employing an  
4 17 officer shall not publicly release the officer's official  
4 18 photograph without the written permission of the officer or  
4 19 without a request to release pursuant to chapter 22.  
4 20 19. If a formal administrative investigation results in  
4 21 removal, discharge, suspension, or disciplinary action against  
4 22 an officer, and the officer alleges in writing a violation of  
4 23 the provisions of this section, the municipality, county, or  
4 24 state agency employing the officer shall hold in abeyance for  
4 25 a period of ten days any punitive action taken as a result of  
4 26 the investigation, including a reprimand. An allegation of a  
4 27 violation of this section may be raised and given due  
4 28 consideration in any properly authorized grievance or appeal  
4 29 exercised by an officer, including but not limited to a  
4 30 grievance or appeal exercised pursuant to the terms of an  
4 31 applicable collective bargaining agreement and an appeal right  
4 32 exercised under section 341A.12 or 400.20.  
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JOHN P. KIBBIE  
President of the Senate

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PATRICK J. MURPHY  
Speaker of the House

I hereby certify that this bill originated in the Senate and  
is known as Senate File 457, Eighty-second General Assembly.

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MICHAEL E. MARSHALL

5 15 Secretary of the Senate  
5 16 Approved \_\_\_\_\_, 2007  
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5 20 CHESTER J. CULVER  
5 21 Governor